

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 594 of 1997

in

SPECIAL CIVIL APPLICATION No 7677 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANIBHAI BABABHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

NANAVATY ADVOCATES for Petitioner

CORAM : MR.JUSTICE C.K.THAKKER and
MISS JUSTICE R.M.DOSHIT

Date of decision: 24/10/97

ORAL JUDGEMENT

Mr. Chhaya, learned counsel for the appellant
prays to delete name of respondent No.3 . He states that

the appellant does not claim any relief against respondent No.3. Permission granted. Name of respondent No.3 is permitted to be deleted.

Admitted. Mr. K.T.Dave, learned AGP appears and waives service of notice of admission. In the facts and circumstances of the case, this matter is taken up for final hearing today.

This appeal is filed against judgment and order passed by the learned Single Judge on 5th May, 1997, in Special Civil Application No. 7677 of 1991. By the said judgment, learned Single Judge dismissed the petition filed by the petitioner for change of birth date. So far as the order passed on merits is concerned, we are of the view that no illegality has been committed and the order does not suffer from any infirmity. Hence, we do not see any reason to interfere with the same.

It was then submitted by the learned counsel for the appellant that in the operative part of the judgment, the learned Single Judge has awarded cost of Rs.1000/- to respondents Nos. 1 and 2, i.e. present respondents. He submitted that in the facts and circumstances of the case, costs ought not to have been awarded by the learned Single Judge and to that extent, the order deserves to be modified. The learned AGP has no objection if to that extent the appeal is allowed. He stated that the court may make "no order as to costs" in the petition.

In the facts and circumstances of the case, appeal is partly allowed by modifying the order with regard to costs, and it is directed that the parties will bear their own costs in the petition.

Appeal is accordingly allowed. No order as to costs.

(C.K.THAKKER J)

(MS. R.M.DOSHIT J)

JOSHI

